

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
NO. 7:17-CR-00154-2H

UNITED STATES OF AMERICA :  
 :  
 v. :  
 :  
 CORTNEY LEMAR PHILLIPS :

**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement by the defendant on August 22, 2018, and the defendant's guilty plea to offenses in violation of 21 U.S.C. § 846 and

18 U.S.C. § 924(c)(1)(a)(i), the Court finds that the following property is hereby forfeitable pursuant to 21 U.S.C. § 853 and

18 U.S.C. § 924(d)(1), to wit:

- (a) A Springfield Armory, model XD-40, .40 caliber pistol, s/n XD352464, and any and all ammunition; and
- (b) \$44,311.00 in United States currency;

AND WHEREAS, by virtue of said guilty plea and the defendant's agreement therein, the United States is now entitled to entry of a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(2); and to seize the specific property subject to forfeiture, to conduct any discovery the Court considers proper in identifying, locating, or disposing of the property, and to commence proceedings that comply with any statutes governing third-party rights, as provided by Fed. R. Crim.

P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the plea of guilty by the defendant, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3).

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order shall be final as to the defendant upon entry.

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's

claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture as required by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED, this 13th day of December, 2018.



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MALCOLM J. HOWARD  
Senior United States District Judge